

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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CONCEPT INDUSTRIES, INC.,

Plaintiff,

Case No. 1:04-cv-219

-VS-

**ORDER**

BRUNO MACHINERY CORPORATION,

Defendant.

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The court has been informed that Bruno Machinery Corporation, one of the parties to the above-entitled action, has filed a petition in Bankruptcy. In accordance with 11 U.S.C. § 362, this civil action is automatically stayed as to the debtors until the Bankruptcy proceedings in question are terminated or the stay is lifted. 11 U.S.C. § 362(c).

The automatic stay provision of the Bankruptcy Reform Act of 1978, 11 U.S.C. § 101, et seq. halts the commencement or continuation of litigation against the debtor by adverse parties; it does not divest this court of jurisdiction to issue necessary orders in civil actions which are stayed in Bankruptcy. Connell v. Walker, 291 U.S. 1, (1934); Donald F. Duncan Inc. v. Royal Tops Mfg. Co., 381 F.2d 879 (7th Cir. 1967), cert. denied, 390 U.S. 905 (1968).

Rather than have this action remain on the court's docket indefinitely, a result which is contrary to the interest of the court, the debtor, and the public, the court has decided to administratively close this matter pending termination of the related bankruptcy proceedings.

**IT IS HEREBY ORDERED** that in the interest of the effective administration of the court's business, without prejudice to either party to this action, and in keeping with the intent and spirit of

the automatic stay provision of the Bankruptcy Reform Act, 11 U.S.C. § 362, this matter is **CLOSED** with regard to Bruno Machinery Corporation. This closing is for administrative purposes only and does not constitute a decision on the merits. Upon termination of the aforementioned bankruptcy proceedings, or the lifting of the automatic stay with reference to the instant proceeding, the court will allow either party to move to reopen this action. Any such motion need only refer to this order and it will be granted.

Dated in Kalamazoo, MI:  
January 9, 2006

/s/Richard Alan Enslen  
Richard Alan Enslen  
United States District Judge